

ORDINANCE NO. _____

1 AN ORDINANCE amending Chapter 2.76 of the Lincoln Municipal Code relating
2 to the Personnel System by amending Section 2.76.040 to provide that fire trainees shall be eligible
3 to participate in the group health and dental plans; amending 2.76.135 to establish step pay plans for
4 pay ranges prefixed by “A” and “C”; amending Sections 2.76.145 and 2.76.150 to provide
5 consistency with other step plans; amending Section 2.76.153 to increase shift differential; amending
6 Section 2.76.155 to increase longevity pay; amending Section 2.76.160 to delete references to pay
7 ranges prefixed by the letters “A” and “C”; amending 2.76.200 to amend out-of-class pay to
8 coordinate with the step plan; amending Section 2.76.380 to amend provisions related to sick leave
9 payout; amending Section 2.76.395 to revise provisions relating to vacation leave; and repealing
10 Sections 2.76.040, 2.76.135, 2.76.145, 2.76.150, 2.76.153, 2.76.155, 2.76.160, 2.76.200, 2.76.380,
11 and 2.76.395 of the Lincoln Municipal Code as hitherto existing.

12 BE IT ORDAINED by the City Council of the City of Lincoln, Nebraska:

13 Section 1. That Section 2.76.040 of the Lincoln Municipal Code be amended to read
14 as follows:

15 **2.76.040 Definitions.**

16 Whenever in this chapter the following terms are used, they shall have the meanings
17 respectively ascribed to them in this section.

18 **Allocation** shall mean the assignment of a position to a class on the basis of the kind,
19 difficulty, and responsibility of work of the position.

20 **Appointing authority** shall mean the officer or any person having the power by virtue of
21 the charter or other lawfully delegated authority to make appointment to positions in the city service.

1 **Appointment** shall mean the designation to a position in the classified service of a person
2 who has qualified for the appointment through appropriate examination or determination of fitness.

3 **Board** shall mean Personnel Board.

4 **Certification** shall mean the act of the Personnel Director in supplying an appointing
5 authority with the names of applicants who are eligible, in accordance with the provisions of these
6 rules, for appointment to a position for which certification is requested.

7 **Charter** shall mean the Home Rule Charter of the City of Lincoln.

8 **Class or classification** shall mean a position or group of positions that involve similar duties
9 and responsibilities, require similar qualifications, and designated by a single title indicative of the
10 kind of work.

11 **Class specification** shall mean the written description of a class including the title,
12 statements of the duties and responsibilities, and the minimum requirements of education and experi-
13 ence appropriate upon entrance for satisfactory performance in a position of the class.

14 **Demotion** shall mean the movement of an employee from a position in one class to a
15 position in another class having a lower maximum salary rate.

16 **Department** shall mean a major operating functional unit of the executive branch of the city
17 government established in or pursuant to the charter.

18 **Department head** shall mean the officially appointed head of any department.

19 **Director** shall mean the Personnel Director.

20 **Eligible** shall mean a person whose name is on an active reemployment, promotion, or
21 eligible list and who may, under these rules, be certified for appointment to a position in the
22 classified service.

1 **Eligible list** shall mean a list of persons arranged in descending order of their ratings on
2 examinations for classes of positions and to which they are qualified for appointment.

3 **Full-time employment** shall mean employment in a position which does not normally
4 require less than forty hours work per week.

5 **Immediate family** is defined to be husband, wife, child, father, mother, sister, brother,
6 father-in-law, and mother-in-law.

7 **Layoff** shall mean the separation of an employee from the classified service which has been
8 made necessary by lack of work or funds or other reasons not related to fault, delinquency, or
9 misconduct on the part of the employee.

10 **Leave of absence** shall mean an approved period of time during which the employee is not
11 physically present for work.

12 **Original appointment** shall mean appointment to a position in the city service of a person
13 who is not a present employee of the city and who is not being reinstated from a reemployment list.

14 **Overtime** shall mean authorized time worked in excess of the individual's regular work day
15 and/or regular work week, or at a time other than the normally scheduled work hours.

16 **Part-time employment** shall mean employment in a position which normally requires less
17 than forty hours work per week.

18 **Pay period** shall mean payroll payments normally made to employees on a bi-weekly basis.

19 **Performance test** shall mean a test that measures the applicant's skill in performing a
20 specified type of work by evaluating the actual performance of such work.

21 **Probationary employee** shall mean an employee who has not completed his probationary
22 period after original employment.

1 **Probationary period** shall mean a working test period during which an employee, newly
2 appointed from a list, is required to demonstrate his fitness for a position to which said employee
3 is appointed by actual performance of the duties of the position. The probationary period shall not
4 exceed six months.

5 **Promotion** shall mean the movement of an employee from a position of one class to a
6 position of another class having a higher maximum salary rate.

7 **Promotion list** shall mean a list of persons arranged in descending order of their final ratings
8 on examinations for classes of positions for which they have competed in promotional examinations
9 and to which they are qualified for appointment.

10 **Promotional examination** shall mean an examination for positions in a particular class,
11 admission to which is limited to employees in the classified service who meet the qualifications set
12 forth in the announcement of the examination.

13 **Provisional appointment** shall mean an appointment not to exceed ninety calendar days to
14 a classified position pending the establishment of an appropriate list or the return of a classified
15 employee from an extended leave of absence.

16 **Reallocation** shall mean the official determination of the Personnel Director that a position
17 be assigned to a class different from the one to which it was previously assigned.

18 **Reemployment** list shall mean a list of persons who have been but are no longer regular
19 employees in a particular class and who are entitled to have their names certified for appointment
20 to a position in that class without examination.

21 **Regular employee** shall mean an employee who has been appointed to a position in the
22 classified service in accordance with these rules after successful completion of a probationary pe-
23 riod.

1 **Reprimand** shall mean a formal written notice to an employee informing the employee of
2 the specific manner in which the employee's conduct or work performance does not meet prescribed
3 standards.

4 **Seasonal employment** shall mean appointment of persons whose employment is expected
5 to be of a seasonal nature and when it is expected that the services of such persons will be no longer
6 necessary at the close of the season for which they have been appointed.

7 **Supervisor** shall mean any person responsible to a superior for directing the work of others.

8 **Temporary employment** shall mean:

9 (1) Employment in non-career service positions in the unclassified service, or

10 (2) Employment in career service positions for a specific purpose and limited length
11 of time not to exceed one year.

12 **Transfer** shall mean the movement of an employee from one position to another position
13 of the same class or of another class having the same maximum salary rate involving the
14 performance of similar duties, and requiring essentially the same basic qualifications.

15 **Unassembled examination** shall mean an examination which does not require all candidates
16 to assemble at the same place.

17 **Vacancy** shall mean a duly created position which is not occupied and for which funds have
18 been provided.

19 **Veteran** shall mean a citizen of the United States who has been a member of the Armed
20 Forces of the United States of America and in active service for more than ninety consecutive days
21 in time of any war in which this country has been or shall hereafter be engaged; including the
22 periods between April 6, 1917 and November 11, 1918; between December 7, 1941 and December
23 31, 1946; between June 25, 1950 and January 31, 1955; and between August 5, 1964 and May 7,

1 1975, (and any other legally designated periods), and who has been discharged or released therefrom
2 under honorable conditions; provided, however, that attendance at a school under military orders,
3 except schooling incident to an active enlistment or regular tour of duty, or normal military training
4 as a reserve officer or member of an organized reserve or national guard unit shall not be considered
5 active service within the meaning of this definition; and provided, further, that any such citizen
6 otherwise eligible, who was discharged or released under honorable conditions on account of
7 service-connected injury or illness prior to completion of such ninety-day service shall nevertheless
8 be deemed to be a veteran.

9 **Work day or working day** shall mean any one shift during which a department is open for
10 business or on which an employee is scheduled work.

11 **Work week** shall mean the number of hours regularly scheduled to be worked during any
12 seven consecutive days commencing on a Thursday and ending on the following Wednesday by an
13 individual employee.

14 **Career service** positions shall mean budgeted, full- and part-time positions in the classified
15 service. Employees who occupy career service positions and have status are eligible for benefits.

16 **Non-career service positions** shall mean a temporary, seasonal, intermittent, full- or part-
17 time position in the unclassified service. The term of employment in these positions will either be
18 of a specific duration of time or for a specific purpose or on an as-needed basis. Remuneration for
19 employees in this category will be limited to pay for time actually worked with no eligibility for
20 other employee benefits, except for police trainees and fire trainees who shall be eligible to
21 participate in the group health and dental plans.

1 **Excluded employee** shall mean an employee who is not represented by a bargaining unit due
2 to the confidential nature of work performed. Employees assigned to a pay range prefixed by the
3 letter “E”, “M”, or “X” are considered to be “excluded”.

4 Section 2. That Section 2.76.135 of the Lincoln Municipal Code be amended to read
5 as follows:

6 **2.76.135 Compensation Plan; Merit Pay Plan Established.**

7 For the purpose of compensating employees on the basis of progressive improvement in job
8 or professional performance in the city service, there is hereby established a merit pay plan of the
9 City of Lincoln which shall consist of established pay ranges for each job classification with
10 approximate three and one-half percent merit pay separations for pay ranges prefixed by “N” or “X”;
11 three and one-quarter percent merit pay separations for pay ranges prefixed by “A”; and two and
12 three-quarters percent merit pay separations for pay ranges prefixed by “C” therein. Employment
13 will usually begin at step “A”, although candidates for employment with special qualifications may
14 be employed at an intermediate step in a pay range upon the request of the appointing authority and
15 with the approval of the Personnel Director. The maximum merit pay rate shall be step “J”. Job
16 classifications shall have a maximum of ten merit pay steps; however, there may be job classifica-
17 tions where less than ten steps may be used to reflect the appropriate minimum and maximum pay
18 rates. ~~This section applies only to ranges prefixed by “N” or “X”.~~

19 Section 3. That Section 2.76.145 of the Lincoln Municipal Code be amended to read
20 as follows:

1 **2.76.145 Compensation Plan; Merit Pay Plan; Administration and Requirements for**
2 **Advancement.**

3 (a) Advancement by an employee through the merit pay steps in the merit pay plan shall
4 be on the basis of performance as determined by the employee's department head. In making the
5 decision as to whether or not an employee deserves and shall receive a merit pay step increase, the
6 department head must find that the employee being considered has performed in a commendable or
7 outstanding manner.

8 A merit step increase shall be awarded only when an employee receives the score
9 required for an increase. In any case where a merit increase has been denied, the next eligibility date
10 for receipt of a merit step increase will be one year from the current eligibility date, at which time
11 the employee must receive the score required for an increase. Supplemental ratings may be done
12 throughout a rating period, but merit step increases may not be granted other than on the employee's
13 eligibility date.

14 Merit increases shall be awarded on the basis of performance only, and under no
15 circumstances shall any department head award or deny any employee a merit step increase on the
16 basis of personal or political favoritism or discrimination.

17 (b) A probationary employee shall become eligible for a one-step merit pay increase in
18 accordance with the standards specified in subparagraph (a) above after completion of the
19 probationary period of employment. Except as otherwise provided in subparagraph (c) below and
20 Section 2.76.150, a one-step merit pay increase, subsequent to the first such increase after
21 completion of the probationary period of employment, may be granted no more often than one year
22 of service from the date the last merit step increase became effective. Merit step increases shall take
23 effect at the beginning of the pay period in which the pay eligibility date occurs for pay ranges
24 prefixed by "P" or "F". Merit step increases shall take effect at the beginning of the first full pay

1 period following the established eligibility date for pay ranges prefixed by “N”, ~~or~~ “X”, “A”, or “C”.
2 Salary increases or decreases resulting from the amendment of the compensation plan in accordance
3 with Sections 2.76.125 and 2.76.130 shall have no effect on the within-range merit step increases
4 authorized by this section unless otherwise specified in Section 2.76.130.

5 (c) Upon a showing by an employee of exceptional and unusual circumstances in
6 connection with his classification and with the recommendation of the appointing authority, the
7 Mayor may grant permanent one- or two-step merit increases which are consistent with the spirit
8 and purpose of the merit system provisions of the city charter. The effective date of the merit step
9 increase(s), granted in accordance with this subparagraph (c), shall be used to establish a new
10 eligibility date, which shall be one year from the effective date of the merit step increase(s). This
11 subsection applies ~~only~~ to ranges prefixed by “N”, “X”, “F”, ~~or~~ “P”, “A”, or “C”.

12 Section 4. That Section 2.76.150 of the Lincoln Municipal Code be amended to read
13 as follows:

14 **2.76.150 Compensation Plan; Merit Pay Plan; Pay Increases for Exceptional Service.**

15 Additional pay increases to recognize exceptional service may also be granted by awarding
16 a one- or two-step increase which may be authorized for periods of six, twelve, eighteen, or twenty-
17 four pay periods and will automatically terminate on the expiration of the authorized time unless
18 renewed by the same procedure as is required for original approval. For an employee being paid at
19 the maximum rate of his pay range, a temporary exceptional service increase may be granted. Such
20 pay increase shall not exceed three and one-half percent of the employee’s current annualized salary,
21 or \$300.00, whichever is greater, to be paid in two, four, or six pay periods. Increases for
22 exceptional service shall be paid only on recommendation of the department head supported by a
23 convincing showing in writing of exceptional service as related to specific criteria to be recom-

1 mended by each department applicable to its own work and approved by the Director of Personnel.

2 This section applies ~~only~~ to ranges prefixed by “N”, “X”, “F”, ~~or~~ “P”, “A”, or “C”.

3 The Director of Personnel shall annually send a written report to the Mayor listing employees
4 approved for exceptional service pay increases.

5 Section 5. That Section 2.76.153 of the Lincoln Municipal Code be amended to read
6 as follows:

7 **2.76.153 Compensation Plan; Merit Pay Plan; Shift Differential.**

8 Probationary and regular employees in pay ranges prefixed by “N” or “X” who are regularly
9 assigned to second and third shifts shall be paid an additional twenty cents per hour for second shift
10 and thirty cents per hour for third shift. The differential pay per hour shall be included as an
11 addition to their current hourly rate. To be entitled to second shift differential pay, an employee
12 must work a majority of his regularly scheduled shift hours between 5:00 p.m. and 11:59 p.m. To
13 be entitled to third shift differential pay, an employee must work a majority of his regularly
14 scheduled shift hours between 11:59 p.m. and 9:00 a.m. Current hourly rate shall mean the hourly
15 rate of pay which is applicable to the employee’s regularly assigned job classification; provided,
16 however, that if an employee is entitled to out-of-class pay, the employee’s current hourly rate shall
17 be the applicable out-of-class hourly rate of pay.

18 Probationary and regular employees in pay ranges prefixed by “C” who are regularly
19 assigned to second and third shifts shall be paid an additional ~~thirty~~ forty cents per hour for second
20 shift and ~~thirty-five~~ forty-five cents per hour for third shift. The differential pay per hour shall be
21 included as an addition to their current hourly rate. To be entitled to second shift differential pay,
22 an employee must work a majority of his regularly scheduled shift hours between 5:00 p.m. and

1 11:59 p.m. To be entitled to third shift differential pay, an employee must work a majority of his
2 regularly scheduled shift hours between 11:59 p.m. and 9:00 a.m.

3 Employees who are entitled to shift differential pay shall also receive the shift differential
4 pay in addition to their current hourly rate for paid leaves of absence such as vacation, sick leave,
5 holiday pay, and funeral leave. For the purpose of computing overtime pay, an employee's "regular
6 hourly rate", as defined by the Fair Labor Standards Act, shall include the additional twenty, thirty,
7 forty, or ~~thirty-five~~ forty-five cents per hour shift differential.

8 Section 6. That Section 2.76.155 of the Lincoln Municipal Code be amended to read
9 as follows:

10 **2.76.155 Compensation Plan; Longevity Pay.**

11 (a) Employees with a pay range prefixed by the letter "E" shall annually receive
12 longevity pay based upon the total length of service with the city. Such pay shall be effective
13 beginning with the first full pay period following completion of the specified years of service.
14 Payment shall be made on a prorated basis on each regular payday. The longevity schedule shall
15 be as follows:

<u>Completed Years of Service</u>	<u>Annual Pay</u>
5 years	\$ 266.00
10 years	\$ 464.00 <u>495.00</u>
15 years	\$ 734.00 <u>812.00</u>
20 years	\$ 927.00 <u>1,054.00</u>
25 years	\$ 1,191.00 <u>1,338.00</u>

22 Employees with a pay range prefixed by the letter "E", hired August 29, 1991 or
23 after, shall annually receive longevity pay based upon total continuous length of service with the
24 city. For the purpose of longevity pay, any employee who terminates employment and who is later
25 reemployed shall be treated as a new employee.

(b) Employees with a pay range prefixed by the letter "X" or "N" shall annually receive longevity pay based upon the total length of service with the city. Such pay shall be effective beginning with the first full pay period following completion of the specified years of service. Payment shall be made on a prorated basis on each regular pay day. Employees with a pay range prefixed by "X" or "N" who are scheduled to work less than forty but at least twenty hours per week shall receive longevity pay based on the number of hours worked each pay period. The longevity schedule shall be as follows:

<u>Completed Years of Service</u>	<u>Annual Pay</u>
5 years	\$ 215.00
10 years	\$ 405.00
15 years	\$ 612.00
20 years	\$ 816.00
25 years	\$1,002.00

Employees with a pay range prefixed by the letter "X" or "N", hired August 29, 1991 or after, shall annually receive longevity pay based upon total continuous length of service with the city. For the purpose of longevity pay, any employee who terminates employment and who is later reemployed shall be treated as a new employee.

Section 7. That Section 2.76.160 of the Lincoln Municipal Code be amended to read as follows:

2.76.160 Compensation Plan; Variable Merit Pay Plan.

Notwithstanding any other section of the Lincoln Municipal Code to the contrary, the compensation plan for employees in classifications with pay ranges prefixed by the letters "~~A~~", "~~C~~", and "E" shall provide for the awarding of merit increases within established pay ranges based upon the employee's level of performance and shall be entitled "the variable merit pay plan." The specific

1 method of implementing and administering this plan shall be set out in an executive order of the
2 Mayor which shall, among other things, provide for:

3 (a) Variable merit increases of between zero and six percent. Merit increases shall be
4 effective beginning the first full pay period following the established eligibility date;

5 (b) A four and one-half percent increase upon successful completion of the original
6 probationary period;

7 (c) Temporary exceptional service awards not to exceed four percent of the employee's
8 current annualized salary to be paid in two, four, or six pay periods;

9 Such increases shall be paid only on recommendation of the department head
10 supported by a convincing showing in writing of exceptional service or unusual circumstances as
11 related to specific criteria to be recommended by each department and approved by the Personnel
12 Director.

13 The Personnel Director shall annually send a written report to the Mayor listing
14 employees approved for exceptional service pay increases.

15 (d) The Personnel Director, with the approval of the Mayor, may grant permanent salary
16 increases within an employee's pay range that are consistent with the spirit and purpose of the merit
17 system provisions of the City Charter if a department head presents written evidence of unusual
18 circumstances. The effective date of any increase granted in accordance with this subsection shall
19 be used to establish a new eligibility date, which shall be one year from the effective date of such
20 increase. ~~This subsection applies only to pay ranges prefixed by "E".~~

21 (e) The eligibility date for evaluating performance of employees will be determined by
22 completion of the original probationary period, and the effective date of promotion, demotion,
23 reallocation, or layoff;

(f) Establishment of a committee to review and approve all merit increases in excess of five percent.

Section 8. That Section 2.76.200 of the Lincoln Municipal Code be amended to read as follows:

2.76.200 Compensation Plan; Temporary Assignment in a Higher Classification.

(a) Any regular employee in a pay range prefixed by "C" or "E" who is temporarily assigned to work in a budgeted position in a class with a higher maximum salary than the maximum salary of such employee's regularly assigned class and who actually works ~~three or less consecutive work days~~ at least eight or more consecutive hours in the higher classification shall be compensated ~~at the minimum rate established for the higher class or at the employee's current rate of pay, whichever is greater, for each consecutive eight hours or more of work performed during any regularly assigned work shift served in the higher class. If an employee works more than the three consecutive work days, that employee shall be compensated for all the time worked in the higher classification. Such employee will be compensated at the minimum rate established for the higher class, or at the rate of five percent next higher step in the higher class above the employee's current rate of pay which results in at least a 2.75% increase, whichever is greater.~~

(b) Any regular employee, in a pay range prefixed by "N" or "X" who is temporarily assigned to work in a permanent position in a class with a higher maximum salary than the maximum salary of such employee's regularly assigned class and who actually works a minimum of eight or more consecutive hours in the higher classification shall receive at least a step increase in pay for the original eight consecutive hours worked plus any additional consecutive hours worked in the higher classification. The employee who is temporarily assigned to serve, and actually does serve in a higher level position, must be fully qualified to perform the full range of duties of the

1 higher level position, even though he may not actually perform the full range of duties during the
2 time he is temporarily assigned to the higher classification. In the event an employee is temporarily
3 assigned to a higher classification and requests and receives approval for paid leave, such paid leave
4 shall be compensated at the employee's rate of pay prior to being temporarily assigned to the higher
5 classification.

6 (c) Project Leader. When an employee is required to perform duties outside of his ~~or her~~
7 normal job duties due to special or unusual circumstances, a department head or his ~~or her~~
8 designated representative may appoint such employee to serve as a project leader. The appointment
9 shall last no longer than the length of the project, or for one year, whichever is less. If an employee
10 with a pay range prefixed by "A", "C", "E" or "M" is appointed as a project leader they shall receive
11 an increase in compensation of up to ten percent while in the status of project leader. If an employee
12 with a pay range prefixed by "A" or "C" is appointed as a project leader, he shall receive an increase
13 in compensation of two steps above his current rate of pay while in the status of project leader. The
14 appointment must be approved by the Director in whatever form he ~~or she~~ may require.

15 (d) Crew Leader. A department head or his ~~or her~~ designated representative may appoint
16 any employee to serve as crew leader. The appointment shall be for the purpose of performing
17 duties outside of his ~~or her~~ normal job duties as they relate to a special project assignment or
18 performing duties outside of his ~~or her~~ normal job duties for the purpose of performing work that
19 needs to be done to accomplish the daily work of the department or division. The appointment may
20 last up to one year and may be extended, with review by the Director, due to special circumstances.
21 If an employee with a pay range prefixed by an "X" or "N" is appointed as a new crew leader, ~~they~~
22 he shall receive an increase in compensation of one step above ~~their~~ his current rate of pay, or three

1 and one-half percent if at step J. The appointment must be approved by the Director in whatever
2 form he ~~or she~~ may require.

3 Section 9. That Section 2.76.380 of the Lincoln Municipal Code be amended to read
4 as follows:

5 **2.76.380 Sick Leave with Pay.**

6 Subsections (a) through (f) shall apply to employees not represented by a bargaining unit.

7 (a) Amount. Sick leave shall be earned by each employee at the factored hourly equiva-
8 lent of eight hours for each full month of service or twelve hours for each full month of service for
9 an employee with a pay range prefixed by “M” who works a fifty-six hour work week. Earnings
10 shall be computed only for those hours when an eligible employee is in a pay status, excluding
11 overtime.

12 (b) When taken. Sick leave will be paid only when an employee is unable to perform
13 work duties due to actual personal illness, noncompensable bodily injury, pregnancy, or disease,
14 exposure to contagious disease under circumstances in which the health of other employees or the
15 public would be endangered by attendance on duty, or to keep a medical or dental appointment and
16 for no other reason. A sick leave pay account will be established and funds appropriated for that
17 reason only. Sick leave with pay is intended to be paid on account of sickness rather than a
18 continuation of salary.

19 Sick leave must be earned before it can be granted, and advancing sick leave is prohibited.
20 An employee may utilize no more than his accrued balance of sick leave. When an employee finds
21 it necessary to be absent for any of the reasons specified herein, the employee shall cause the facts
22 to be reported to his department head in accordance with departmental rules and regulations.

1 Sick leave shall be earned, but not be granted, during the probationary period occurring after
2 original appointment. An employee must keep his department head informed of his condition. This
3 shall be on a daily basis unless waived by the department head or designated representative. An em-
4 ployee may be required by the Personnel Director to submit a medical certificate for any absence.
5 Failure to fulfill these requirements may result in denial of sick leave. No refund of vacation time
6 shall be allowed due to illness incurred while on vacation leave. Sick leave shall not accrue during
7 any period of leave of absence without pay.

8 (c) Accumulated sick leave. The accumulation of unused sick leave is unlimited.

9 (d) Unused sick leave. Upon retirement, death or reduction in force, an employee with
10 a pay range prefixed by "E" or "M", or the employee's beneficiary, shall be paid one-half of his
11 accumulated sick leave. The rate of payment shall be based upon the employee's regular hourly rate
12 of pay at the time the employee retires, is laid off, or at the time of the employee's death.

13 Upon retirement, death or reduction in force, an employee with a pay range prefixed
14 by "N" or "X", or the employee's beneficiary, shall be paid one-fourth of his accumulated sick
15 leave. The rate of payment shall be based upon the employee's regular hourly rate of pay at the time
16 the employee retires, is laid off, or at the time of the employee's death.

17 Upon retirement, death or reduction in force, an employee with a pay range prefixed
18 by "A" or "C", or the employee's beneficiary, shall be paid one-half of his accumulated sick leave
19 ~~up to a maximum of 650 hours~~. The rate of payment shall be based upon the employee's regular
20 hourly rate of pay at the time the employee retires, is laid off, or at the time of the employee's death.

21 (e) An employee with a pay range prefixed by "E", "M", "A", or "C" may be granted
22 time off for a maximum of ~~forty~~ sixty hours in each calendar year for illness in the employee's
23 immediate family. ~~An employee with a pay range prefixed by "M" who works a fifty-six hour work~~

1 ~~week may be granted time off for a maximum of sixty hours in each calendar year for illness in the~~
2 ~~employee's immediate family.~~ Immediate family will also include any other family member,
3 whether it be by blood, marriage, legal adoption, or foster children, residing in the household.
4 Family sick leave may also be granted to an employee who has been appointed by a court of
5 competent jurisdiction as legal guardian of any person, with proper documentation. Such time off
6 will be deducted from the employee's accumulated sick leave. Upon written request from an
7 employee in the above-referenced pay ranges, the Personnel Director may waive the forty or sixty
8 hour limit after reviewing the individual circumstances in support of the request.

9 (f) An employee with a pay range prefixed by "N" or "X" may be granted time off for
10 a maximum of forty hours in each calendar year for illness in the employee's immediate family. For
11 purposes of this subsection (f), the term immediate family shall include the employee's mother,
12 father, sister, brother, husband, wife, child, foster child, mother-in-law, father-in-law, daughter-in-
13 law, son-in-law, stepmother, stepfather, stepchild, stepgrandchild, grandparent, grandchild, and the
14 grandparent of the employee's spouse, or any other relative residing in the household. Family sick
15 leave may also be granted to an employee who has been appointed by a court of competent
16 jurisdiction as legal guardian of any person, with proper documentation. Such time off will be
17 deducted from the employee's accumulated sick leave. Upon written request from an employee in
18 the above-referenced pay ranges, the Personnel Director may waive the forty hour limit after
19 reviewing the individual circumstances in support of the request.

20 Section 10. That Section 2.76.395 of the Lincoln Municipal Code be amended to
21 read as follows:

1 **2.76.395 Vacation Leave with Pay.**

2 (a) Amount. Each employee with a pay range prefixed by “E” shall earn vacation leave
3 credit annually as follows:

4 After original appointment -- at the factored hourly equivalent of 88 hours per year

5 After five years of service -- at the factored hourly equivalent of ~~112~~ 120 hours per
6 year

7 ~~After seven years and six months of service -- at the factored hourly equivalent of~~
8 ~~120 hours per year.~~

9 After ten years of service -- at the factored hourly equivalent of ~~128~~ 136 hours per
10 year.

11 ~~After twelve years and six months of service -- at the factored hourly equivalent of~~
12 ~~136 hours per year.~~

13 After fifteen years of service -- at the factored hourly equivalent of 160 hours per
14 year.

15 After twenty years of service -- at the factored hourly equivalent of ~~184~~ 192 hours
16 per year.

17 After twenty-five years of service -- at the factored hourly equivalent of ~~192~~ 200
18 hours per year.

19 Each employee with a pay range prefixed by “N” or “X” shall earn vacation leave credit
20 annually as follows:

21 After original appointment -- at the factored hourly equivalent of 80 hours per year.

22 After five years of service -- at the factored hourly equivalent of 112 hours per year.

1 After ten years of service -- at the factored hourly equivalent of 128 hours per year.

2 After fifteen years of service -- at the factored hourly equivalent of 160 hours per
3 year.

4 After twenty years of service -- at the factored hourly equivalent of ~~176~~ 184 hours
5 per year.

6 After twenty-five years of service -- at the factored hourly equivalent of ~~184~~ 192
7 hours per year.

8 The department head may require that vacation leave be taken not less than one day at a time.

9 Vacation leave credit shall not accrue during a leave of absence without pay.

10 (b) Vacation leave shall not be granted during the first six months of employment. Each
11 department head shall keep records on vacation leave credit and use and shall schedule vacation
12 leave with particular regard to the seniority of employees, to accord with operating requirements,
13 and insofar as possible, with requests of employees.

14 (c) Accumulated leave. An employee may accumulate vacation leave to a maximum of
15 forty hours over and above the employee's maximum annual earning rate.

16 (d) Vacation payout. Any employee who separates from the city service shall be
17 compensated for vacation leave accrued and accumulated to the date of separation. The vacation
18 payout shall occur with the paycheck immediately following separation. In the event the separation
19 is the result of retirement, as defined by the applicable retirement plan, an employee may elect to
20 utilize vacation until all accrued vacation has been exhausted.

21 (e) Waiving vacation. For the purpose of maintaining necessary personnel on duty to
22 accomplish city work, a department head, with approval of the Mayor, may waive accumulated
23 vacation leave in excess of eighty hours. Waived vacation will be paid to the employee at the

1 employee's usual rate of pay as of the last January 1, provided there are sufficient funds in the
2 department's budget for salaries.

3 (f) Vacation bank payout. For employees maintaining a vacation bank, excluding ranges
4 prefixed by "B" or "F", the employee may request to sell all or part of their bank at the first full pay
5 period in July each year. Such request for payment shall be made in writing and approved by the
6 employee's department head and the Mayor, provided there are sufficient funds in the department's
7 budget for salaries. Payment for requested hours will be paid at the employee's usual rate of pay
8 as of the last January 1.

9 Section 11. That Sections 2.76.040, 2.76.135, 2.76.145, 2.76.150, 2.76.153, 2.76.155,
10 2.76.160, 2.76.200, 2.76.380, and 2.76.395 of the Lincoln Municipal Code as hitherto existing be
11 and the same are hereby repealed.

12 Section 12. That this ordinance shall take effect and be in force from and after its
13 passage and publication according to law.

Introduced by:

Approved as to Form & Legality:

City Attorney

Approved this ____ day of _____, 2005:

Mayor